

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

OAKLAND BULK & OVERSIZED  
TERMINAL, LLC,

Plaintiff,

v.

CITY OF OAKLAND,

Defendant.

Case No. [16-cv-07014-VC](#)

**ORDER DENYING CROSS-MOTIONS  
FOR SUMMARY JUDGMENT ON THE  
BREACH OF CONTRACT CLAIM**

Re: Dkt. Nos. 135, 145, 156

For the reasons stated at the hearing, the cross-motions for summary judgment on the breach of contract claim are denied. The cross-motions for summary judgment on the constitutional and federal preemption claims remain under submission and will be decided, if necessary, after the breach of contract claim is adjudicated.

**IT IS SO ORDERED.**

Dated: January 12, 2018

  
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VINCE CHHABRIA  
United States District Judge